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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number:
HME/7982.001

In re Application of Sharon F. Kleyne

Application Number: 09/614,790 Filed: July 12, 2000

For: METHOD AND KIT FOR MOISTURIZING THE SURFACE OF THE EYE

Group Art Unit 1617 Examiner: Michael A. Willis

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated May 1, 2002, rejecting claims: 75 to 82.

The fee for this Notice of Appeal is (37 C.F.R. 1.17(b)): \$320

Applicant claims small entity status. See 37 C.F.R. 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$160

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1773. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 C.F.R. 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the:

applicant.

assignee of record of the entire interest.

attorney or agent of record.

attorney or agent acting under 37 CFR 1.34(a)
Registration number if acting under 37 CFR 1.34(a) _____



Signature

Howard Eisenberg
Reg. No. 36,789

Typed or printed name

July 25, 2002

Date

JUL 31 2002

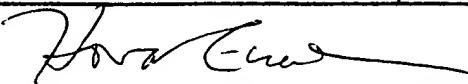
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FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

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1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge the indicated fees and credit any over payments to: Deposit Account Number 50-1773 Deposit Account Name Howard Eisenberg <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 & 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				3. ADDITIONAL FEES Large Entity Small Entity <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td></td><td>65 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td></td><td>25 Surcharge-late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td></td><td>130 Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td></td><td>2,520 For filing a request for ex-parts reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td></td><td>920* Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1840*</td><td>113</td><td></td><td>1840* Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td></td><td>55 Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td></td><td>200 Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td></td><td>460 Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td></td><td>720 Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,880</td><td>228</td><td></td><td>980 Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td></td><td>160 Notice of Appeal</td><td>160</td></tr> <tr><td>120</td><td>320</td><td>220</td><td></td><td>160 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td></td><td>140 Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td></td><td>1,510 Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td></td><td>55 Petition to revive - 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Name (print type)		Howard Eisenberg, Esq.		Registration No.		36,789																																																																																																																																																																																															
Signature				Date		July 25, 2002																																																																																																																																																																																															

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/614,790
		Filing Date	July 12, 2000
		First Named Inventor	Kleyne, Sharon
		Group Art Unit	1617
		Examiner Name	Michael Willis
Total Number of Pages in this Submission	5	Attorney Docket Number	HME/7982.001

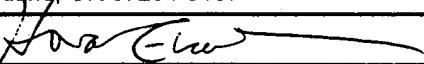
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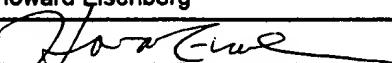
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Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Howard M. Eisenberg 1600 ODS Tower, 601 SW Second Ave Portland, OR 97204-3157
Signature	
Date	July 25, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.

Type or print name	Howard Eisenberg		
Signature		Date	July 25, 2002